IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

CRP.No. 1258 OF 2001(F)

I.A. NO. 3463 & 3464/2000 IN
LAR.255/1996 OF PRINCIPAL SUB COURT,PARAVUR

REVN. PETITIONER/PETITIONER/CLAIMANT:

THOMAS, S/O. LONUKUNJU,
PADAYATTIL VEEDU,
THURAVUNKARA..

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS/RESPONDENTS/RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR,
LAND ACQUISITON,
KOCHI INTERNATIONAL AIR PORT,
NEDUMBASSERY, ANGAMALLY.

GOVERNMENT PLEADER SRI. NOBLE MATHEW.
R2 BY ADV. SRI.N.N.SUGUNAPALAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN J.

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C.R.P. NO. 1258 OF 2001

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DATED THIS, THE 14TH DAY OF MARCH, 2007.

O R D E R

Petitioner was a claimant in a land acquisition case. His land was acquired and he sought further enhancement. The matter was referred to the Sub Court, North Parur as L.A.R. 255/1996. On the date on which the case was called, petitioner was absent. The reference was accordingly, answered against him holding that there was no evidence for granting enhancement. Petitioner filed I.A. No. 3463/2000 seeking review of the order and as there was some delay, he filed I.A. No. 3464/2000 seeking condonation of the same. The delay petition was dismissed by a single line order as follows:

> "No evidence for condoning delay as no sufficient cause is shown. Hence I.A. is dismissed."

2. As a matter of fact, in similar circumstances, in C.R.P. 1031/2001, where also land was acquired for Kochi International Airport Authority as in the present case, this Court remanded the case holding that the petitioner

therein ought to be given an opportunity to adduce evidence. Copy of the order in the said civil revision petition is produced by the learned counsel for the revision petitioner and prays that the order under challenge may be set aside and the petitioner may be given an opportunity to adduce evidence.

3. The petitioner was not, however, able to substantiate his case that there was sufficient reasons for condoning the delay. However, this is a case pertaining to acquisition of land where claim for enhancement is made. According to the petitioner, for similar lands acquired for the same purpose enhancement of compensation have been granted. But he could not prefer an application under Section 28A of the Kerala Land Acquisition Act as he could not prefer the application within time. In these circumstances, in order to meet the ends of justice, I find that the delay in filing the application for reviewing the order passed by the court below ought to have been condoned, at least on terms. In the circumstances, if the petitioner deposits an amount of Rs. 500/- (five hundred) before the court below within three weeks from today, the delay will stand condoned and the applications I.A. Nos.3463/2000 and 3464/2000 will stand allowed and the case will be restored to file. An opportunity shall be given to the petitioner

to adduce evidence. It will be open to the State to withdraw the amount as and when deposited. In case of default of compliance by the petitioner, this CRP will stand dismissed.

The Civil Revision Petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

knc/-

P.R. RAMAN, J.
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C.R.P. NO. 1258 OF 2001
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O R D E R

DATED THIS, THE 14TH MARCH, 2007.